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**OFFICE OF PETITIONS**

In re Application of	:	
Schneidewend, et al.	:	
Application No. 09/190,309	:	ON PETITION
Filed: November 12, 1998	:	
Attorney Docket No. RCA89.041	:	

This is a decision on the petition under 37 CFR 1.137(b), filed February 24, 2009, to revive the above-identified application.

The petition under 37 CFR 1.137(b) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." This is **not** a final agency decision within the meaning of 5 USC 704.

The above application became abandoned for failure to timely seek a rehearing or judicial review of the decision by the Board of Patent Appeals and Interferences, mailed September 8, 2008. Pursuant to 37 CFR 41.52 and 37 CFR 1.304, applicants had two months to seek rehearing or judicial review. Neither having been sought, the application became abandoned on November 9, 2008. The Office mailed a Notice of Abandonment on November 21, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date

for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d).

With the instant petition, applicants have filed an Amendment. An Amendment is not a proper reply in the instant situation. The Board decision, sustaining the Examiner in full, did not set forth any new grounds of rejection under 37 CFR 41.50(b).

The petition fee of \$1620 has been charged to Deposit Account No. 07-0832, as authorized.

Further correspondence with respect to this matter should be addressed as follows:

By mail:            Mail Stop Petitions  
                          Commissioner for Patents  
                          P.O. Box 1450  
                          Alexandria VA 22313-1450

By FAX:            (571)273-8300  
                          Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-3207.

*Cliff Congo*

Cliff Congo  
Petitions Attorney  
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